

**MINUTES  
CITY COUNCIL MEETING  
MONDAY, NOVEMBER 16, 2009**

**CALL TO ORDER** Mayor Shoals called the meeting to order at 6:30 p.m. in the City Hall Council Chambers, 154 South Eighth Street, Grover Beach, California.

**MOMENT OF SILENCE** was held in memory of the victims of the recent mass shooting incident at Fort Hood, Texas.

**FLAG SALUTE** The flag salute was led by Christina Moseley-Hail, an 11-year-old, 6<sup>th</sup> grade student from Fairgrove Elementary School.

**ROLL CALL**

City Council: Council Members Bright, Mires, Peterson, Mayor Pro Tem Nicolls, and Mayor Shoals were present.

City Staff: Acting City Manager/Police Chief Copsey, City Attorney Koczanowicz, City Clerk McMahon, Administrative Services Director Chapman, Interim Community Development Director Beck, Public Works Superintendent Ford, and Economic Development Specialist Buckingham were also present.

Also present was City Engineer Garing.

**CLOSED SESSION ANNOUNCEMENTS:** City Attorney Koczanowicz read the following announcement:

On Monday, November 2, 2009 after meeting in Closed Session regarding:

1. Conference with Legal Counsel - Anticipated Litigation  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One (1) potential case.

the City Council reconvened into open session and announced there were no reportable actions taken.

**AGENDA REVIEW**

**Action:** Upon unanimous consensus, the Council adopted the agenda as presented.

**PRESENTATIONS**

1. **Second & Third Quarter Activity Reports - Grover Beach Chamber of Commerce.**

Former Chamber of Commerce President Glenn Martin provided a summary of the Chamber's activities for the period of April - June 2009.

**PUBLIC COMMUNICATIONS** The Mayor opened the floor to any member of the public for comment on items of interest which were within the jurisdiction of the City Council, but were not listed on the agenda. No one responded and the Mayor closed the Public Communications segment for this portion of the meeting.

**PUBLIC HEARINGS**

2. **FY 10 Citizen's Option for Public Safety (COPS) Grant.**

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. For the information of those present, Acting City Manager / Police Chief Copsey gave an overview of the Citizen's Option for Public Safety (COPS) Grant program that annually allocated funds for the delivery of frontline local law enforcement services. Since FY 01, the yearly grant amount was set at \$100,000; however, this year's allocation might be lower due to the State's budget and impacts to Vehicle License Fee revenues, which were used to fund the grant. He then reviewed the list of proposed expenditures for a dispatcher, a part-time detective, and overtime for special enforcement details, all of which had been identified and included in the adopted FY 10 Budget. Any remaining funds would be used only for frontline services. He noted that, if the

City received less than the originally anticipated amount of grant funds, there were sufficient funds in the budget to cover expenditures for the remainder of this fiscal year. The following year, however, might require some adjustments.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. There was no response and he closed the Public Hearing.

**Action:** It was m/s by Mayor Pro Tem Nicolls/Council Member Bright to adopt Resolution No. 09-84 approving the allocation of FY 10 COPS funds. The motion carried on the following roll call vote:

AYES: Council Members Bright, Mires, Peterson, Mayor Pro Tem Nicolls,  
and Mayor Shoals.  
NOES: Council Members - None.  
ABSENT: Council Members - None.  
ABSTAIN: Council Members - None.

**Resolution No. 09-84: Resolution of the City Council of the City of Grover Beach Accepting the Grover Beach Police Department's Recommendations for Spending the Citizen's Option for Public Safety (COPS) Grant (FY 10).**

### **CONSENT AGENDA**

It was m/s by Council Members Bright/Peterson to approve Consent Agenda Item Nos. 3, 4, and 5, as recommended. The motion carried on the following roll call vote:

AYES: Council Members Bright, Mires, Peterson, Mayor Pro Tem Nicolls,  
and Mayor Shoals.  
NOES: Council Members - None.  
ABSENT: Council Members - None.  
ABSTAIN: Council Members - None.

**3. Treasurer's Report for the Period October 28 - November 12, 2009.**

**Action:** Approved as submitted.

**4. Minutes of the City Council Meeting of Monday, July 6, 2009.**

**Action:** Approved the minutes as submitted.

**5. FY 09 - FY 10 Storm Drain Improvements on 16<sup>th</sup> Street at West Grand Avenue -**  
Consideration of formally accepting improvements constructed on 16<sup>th</sup> Street at West Grand Avenue by California Coastal Development, Inc.

**Action:** Adopted Resolution No. 09-85 accepting the improvements and authorizing staff to issue a Notice of Completion.

**Resolution No. 09-85: A Resolution of the City Council of the City of Grover Beach, California, Formally Accepting the Storm Drain Improvements 16<sup>th</sup> Street at West Grand Avenue.**

### **REGULAR BUSINESS**

**6. Discussion Regarding the Changes Proposed by the Le Sage Mobilehome Owners and Residents to the Draft Ordinance Amending the Grover Beach Municipal Code to Include Mobilehome Park Conversion Regulations.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Attorney Koczanowicz reviewed the Council's direction at the October 19, 2009 meeting for staff to meet with the owners/residents of Le Sage Mobilehome Park to discuss further changes to the proposed Ordinance regarding mobilehome park conversion regulations. After two meetings, a revised Ordinance was developed. He stated that representatives from the Le Sage Mobilehome Park owners/residents were in agreement with the recommended changes, with the exception of one issue: an owner's/applicant's exemption from the requirements for financial hardship. City Attorney Koczanowicz advised against changing that proposed section.

He noted that the Le Sage Mobilehome Park owners/residents also requested the addition of "an immediate family member" as "a resident". In reference to this requested definition

change, City Attorney Koczanowicz stated that if provisions were written to ensure that the applicant would be responsible for either paying the replacement cost of the mobilehome or relocation costs of the family/tenant, but not both, thereby preventing any opportunity for “double dipping”, then staff would recommend supporting the definition change. He noted that the mobilehome conversion ordinance adopted by the City of San Luis Obispo contained similar language that addressed the “either/or but not both” situation.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter.

Paul Brunner, Grover Beach, representative for the Le Sage Mobilehome Park residents/owners, clarified that it was their desire for the proposed Ordinance to be in conformance with the State’s regulations and agreed with the Ordinance adopted by the City of San Luis Obispo. However, they preferred that the City of Grover Beach adopt a shorter and simplified version of the Ordinance that was similar to the one adopted by the City of Seal Beach, a copy of which had been provided to City staff.

There were no further public comments received.

Brief discussion was held regarding circumstances which might constitute a financial hardship other than filing for bankruptcy; and whether to require an applicant/owner to incur the expense of providing a Conversion Impact Report prior to, or after, pursuing conversion of a mobilehome park. Further discussion was held regarding what appeared to be a number of differences between the draft Ordinance prepared by staff and the one proposed by the Le Sage Mobilehome Park owners/residents, and the Council’s desire for additional time to study the two documents.

**Action:** Upon consensus, the Council directed staff to amend the draft Ordinance to add the definition of “immediate family member”. The Council further directed staff to make no further changes to the draft Ordinance at this time regarding the hardship exemption or the requirement for a Conversion Impact Report. These latter two issues would be deliberated further at the Public Hearing scheduled for the City Council meeting of January 4, 2010.

**7. Authorization to Participate in Joint Letter from the Northern Cities Requesting an Emergency State Water Allocation; and Authorization to Begin Negotiations for a Permanent Entitlement to State Water.**

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. For the information of those present, City Engineer Garing stated that the City received its water from two sources - local groundwater and an entitlement from Lopez Dam. In order to monitor groundwater health, the State had constructed four sentry wells in the early 1960s at strategic locations along the coast. Water samples taken in May and August 2009 from the sentry well located in Oceano indicated the probability of seawater intrusion. On October 19, 2009, the Council authorized staff to continue pursuing a number of activities to alleviate the potential impacts of seawater intrusion. One of those options was the temporary purchase of State Water, which would alleviate the pumping of groundwater. In addition, recent information regarding State Water indicated that the existing pipeline might be able to transport more water than originally estimated. This unallocated State Water could be transported to other agencies as either a supplemental or permanent allocation to augment current water supplies.

City Engineer Garing then reviewed a proposed letter requesting that the County initiate proceedings to make State Water available on a temporary basis to the Northern Cities Management Area in an amount necessary to alleviate the threat of seawater intrusion. He then responded to questions from the Council.

Brief discussion was held regarding sentry well testing, proposed amendments to the draft letter, and that any State Water transported to the Lopez turnout would not be used as part of the water released for steelhead trout.

**Action:** Upon consensus, the Council requested the following amendments to the draft letter (*deleted text denoted with strikeout, added text denoted with double underline*):

- remove the entire second paragraph on page two regarding payment of costs: ~~“We understand that there will be additional costs for the additional State Water supplies, including treatment and administrative costs. We are prepared to pay those costs~~

~~provided they are reasonable and do not place an inordinate burden on our rate payers."~~

- remove the word "easily" from the sentence in the fifth paragraph on page one: "...adequate capacity will exist in the Coastal Branch of the State Water Project to easily transport that amount of water to the Lopez turnout..."
- revise paragraph six on page one to add "...to the Northern Cities" to read as follows: "...we request San Luis Obispo County make available between 1,500 to 2,500 acre feet of "wet water" annually at the Lopez turnout as soon as possible to the Northern Cities."

Further, the Council: 1) authorized the Mayor to sign the Northern Cities Management Area letter, as amended, requesting an emergency water allocation at the Lopez turnout; and 2) authorized staff to negotiate with the County and the Central Coast Water Authority to procure future permanent allotments of State Water.

### **PULLED CONSENT AGENDA ITEMS**

None at this time.

**Recess:** Upon consensus of the City Council, the meeting recessed at 7:45 p.m. to the Joint City Council/Improvement Agency meeting, which was also scheduled for this same evening.

**Reconvene:** At 8:20 p.m., the meeting reconvened with all Council Members present.

### **COUNCIL COMMITTEE REPORTS**

Council Member Mires reported on the meeting of the San Luis Obispo County Water Resources Advisory Board (WRAC).

Council Member Bright stated that she had nothing to report.

Mayor Pro Tem Nicolls stated that he had nothing to report.

Council Member Peterson stated that she had nothing to report.

Mayor Shoals stated that he had nothing to report.

### **CITY COUNCIL MEMBER ITEMS**

None at this time.

### **COUNCIL COMMUNICATIONS**

A. Council Member Peterson commended the Grover Beach Chamber of Commerce, the Economic Vitality Corporation, Economic Development Specialist Buckingham, and City staff for successful marketing efforts regarding: 1) new street banners in celebration of the City's 50<sup>th</sup> anniversary, 2) the well-attended local business workshop "Thriving in 2010" that was sponsored by the EVC and co-hosted by the City and Chamber, and 3) the "Shop and Dine Grover Beach" program.

B. Mayor Shoals described discussions held at the following meetings with:

- Assembly Member Sam Blakeslee - a proposed water bond measure to be placed on the 2010 ballot, and impacts to local services from State funding reductions; and
- San Luis Obispo County Mayors November Luncheon - an upcoming grant opportunity for cities to collaborate on low-interest energy loans projects.

He then commented on the following:

- *Exploration Station* - praised the improvements being made at that facility which were showcased at a November 7, 2009 fundraiser;
- *South County Transit Hub* - announced that progress was underway to complete Phase II improvements on Ramona Avenue and that Phase III improvements would be scheduled thereafter;
- *Tri-Chamber luncheon* - he would not be available to attend the November meeting;

- *San Luis Obispo Community Foundation* - City Manager Perrault would be assisting with coordinating the next meeting to discuss the Klaproad Bequest; and
- *Channel Counties Division of the League of California Cities* - the first annual holiday event would be held in Santa Barbara in December 2009.

#### **CITY MANAGER'S REPORTS AND COMMENTS**

Acting City Manager/Police Chief Copsey announced that the City's Annual Holiday Tree Lighting Ceremony would be held on Friday December 4, 2009 and the Annual Holiday Parade would be held on Saturday, December 5, 2009.

#### **CITY ATTORNEY'S REPORTS AND COMMENTS**

None at this time.

#### **CLOSED SESSION**

None at this time.

#### **ADJOURNMENT**

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 8:38 p.m.

/s/JOHN P. SHOALS, MAYOR

Attest:

/s/DONNA L. McMAHON, CITY CLERK  
(Approved at CC Mtg 05/03/2010)